

PRELIMINARY AMENDMENT

Serial Number: 09/850,153

Filing Date: May 8, 2001

Title: STABILIZATION PROCESS FOR COMBINING ETHYL ALCOHOL AND ICE CREAM

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Dkt: 1003.001US2

exact limitation has been considered in the examination of claims, their addition to other claims requires no new search and no new issues and should be removed.

The declaration of David Smith clearly shows specific and unexpected results from the chilling of the liquor additive prior to addition to the ice cream blend. An identical ice cream blend is used in all examples. The sole difference between the examples is the chilling of the liquor to less than 40°F prior to addition to the ice cream mix. The differences are significant, beneficial, and no reason is even known for the cause of the benefits. The fact that observable stability was significantly increased by the effects of this single step is clear and convincing evidence of unexpected results. This limitation was already in claims 22 and 23 (and all claims dependent therefrom) and has now been added to claims 6 (and all claims dependent therefrom) and 33.

As no reference or purported Admission describes pre-chilling of the alcohol additive to the unique ice cream mix with stabilizer, all claims are now in condition for allowance.

CONCLUSION

All claims are in condition for allowance and all rejections should be withdrawn. The Examiner is invited to telephone the below-signed attorney at 952.832.9090 to discuss any questions that may remain with respect to the present application.

Respectfully submitted,
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Date 27 September 2001

By

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on September 27, 2001.

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